

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
TODD KREISLER,

Plaintiff,

v.

PAPA JOHN'S USA, INC.,
a Kentucky business corporation,
d/b/a PAPA JOHN'S,
and 305 EAST 24TH OWNERS CORP.,
a New York corporation,

Defendants.
-----X

**Civil Action No.: 12 Civ. 4052 (PAE)
ECF CASE**

**PLAINTIFF'S MOTION FOR
LEAVE TO FILE AN
AMENDED COMPLAINT**

The Plaintiff, TODD KREISLER, by and through his undersigned counsel, hereby moves for leave to amend the Complaint filed in this action. The proposed Amended Complaint is appended hereto and attached as Exhibit "A". In support, thereof, Plaintiff states as follows:

1. Plaintiff filed its Complaint against Defendants, PAPA JOHN'S USA, INC., a Kentucky business corporation, and 305 EAST 24TH OWNERS CORP., a New York Corporation, on May 22, 2012.

2. Defendant 305 EAST 24TH OWNERS CORP. filed its Answer to Plaintiff's Complaint on June 26, 2012. Defendant PAPA JOHN'S USA, INC., has appeared, however, has not filed an Answer or otherwise move with respect to the Complaint. PAPA JOHN'S USA, INC. was granted an extension of time to file an Answer or otherwise move with respect to the Complaint until July 31, 2012.

3. Information has come to the attention of Plaintiff's counsel that PAPA JOHN'S USA, INC. d/b/a PAPA JOHN's should be dismissed from this action, and KAIS ABID d/b/a PAPA JOHN'S should be substituted in. In addition, an additional party, PARKER EAST 24th

APARTMENTS, LLC, a New York limited liability company, should be a party in this action.

4. Plaintiff's counsel's sole purpose of amending the Complaint is to substitute PAPA JOHN'S USA, INC. d/b/a PAPA JOHN's for KAIS ABID d/b/a PAPA JOHN'S, and to add an additional defendant, PARKER EAST 24th APARTMENTS, LLC, a New York limited liability company.

4. The court should freely give leave when justice so requires. Fed. R. Civ. P. 15(a)(2).

5. The Court should allow the filing of the Plaintiff's Amended Complaint because no prejudice shall inure to the Defendants, and ample time remains for this case to be tried.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant this instant Motion for Leave to file an Amended Complaint.

Dated: New York, New York
July 23, 2012

Respectfully submitted,

/s/Adam Shore
Adam T. Shore, Esq.
Law Offices of Adam Shore, PLLC
Attorney for Plaintiff
100 Park Avenue, Suite 1600
New York, New York 10017
Telephone: (646) 476-4296
Facsimile: (646) 390-7422
Email: atsesq@gmail.com

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
TODD KREISLER,

Plaintiff,

v.

**Civil Action No.: 12 Civ. 4052 (PAE)
ECF CASE**

PAPA JOHN'S USA, INC.,
a Kentucky business corporation,
d/b/a PAPA JOHN'S,
and 305 EAST 24TH OWNERS CORP.,
a New York corporation,

Defendants.
-----X

I hereby certify, under penalty of perjury, that I have served a copy of the Plaintiff's Motion for Leave to File an Amended Complaint via the CM/ECF system upon: Jason Storipan, Esq., Fisher & Phillips, LLP, Attorneys for Papa John's USA, Inc., 430 Mountain Avenue, Suite 903, Murray Hill, NJ 07974, and Gary S. Ehrlich, Esq., Cantor, Epstein & Mazzola, LLP, Attorneys for 305 East 24th Street Owners Corp., 49 West 27th Street, 7th Floor, on this 23rd day of July 2012.

Respectfully submitted,

/s/Adam Shore

Adam T. Shore, Esq.
Law Offices of Adam Shore, PLLC
Attorney for Plaintiff
100 Park Avenue, Suite 1600
New York, New York 10017
Telephone: (646) 476-4296
Facsimile: (646) 390-7422
Email: atsesq@gmail.com